

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 25 AND OTHER CODE PROVISIONS RELATING TO EXPIRATION OF AND UPDATES TO LAND DEVELOPMENT APPLICATIONS AND CALCULATIONS OF TIME RELATED TO THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-1-21 (*Definitions*) of the City Code is amended by revising the definition of the term WORKING DAY to read as follows:

(129) WORKING DAY is synonymous with BUSINESS DAY and excludes a Saturday, Sunday, [ø] an official City holiday, or any other day or partial day on which City offices are closed for regular business.

PART 2. Subsection (D) of Section 25-1-62 (*Development Assessment*) of the City Code is amended to read as follows:

(D) After the request is received, the [The] director shall deliver a development assessment to the requestor within the time frame established by the director by administrative rule [21 days after the request is received]. After its delivery, the requestor may seek a meeting with the director or the director's designee to discuss the development assessment.

PART 3. Subsection (A) of Section 25-1-82 (*Application Requirements and Expiration*) of the City Code is amended to read as follows:

(A) The responsible director may adopt rules establishing the requirements, review times, and deadlines for an application.

PART 4. Section 25-1-88 (*Extension of Update Deadline*) of the City Code is amended to read as follows:

(A) With the exception of an applicant submitting a site plan, subdivision application, or a subdivision construction plan, an [An] applicant may request that the responsible director extend a deadline for submitting an update to an application by filing a written request and justification with the responsible director before the expiration of the deadline.

(1) The responsible director must give notice under Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*) of an extension request under this subsection.

1 (2) The responsible director may grant an extension request under this
2 subsection if the responsible director determines that good cause
3 exists for the extension. An extension period may not exceed the
4 length of the original time period for submitting an update to the
5 application.

6
7 (3) An interested party may appeal the responsible director's decision
8 under this subsection to the Land Use Commission.

9
10 (B) If the time required for staff review of an application exceeds the
11 review time established by the director by administrative rule [~~provided by~~
12 ~~this title~~], the responsible director shall extend the deadline for submitting an
13 update to an application for a period of time as established by the director by
14 administrative rule [~~equal to the number of days by which the actual time for~~
15 ~~review exceeds the review time provided by this title~~]. The responsible
16 director shall notify the applicant of the new deadline for submitting an
17 update.

18
19 (C) An applicant may not request an extension of a deadline for submitting an
20 update to a site plan, subdivision application, or subdivision construction
21 plan under Subsection (A) of this section.

22 **PART 5.** A new Section 25-1-89 of the City Code is created to read as follows:

23 **§ 25-1-89 Stop Clock Provision.**

24 (B) This section applies only if an applicant has addressed all staff comments,
25 excluding payment of fees, fiscal, and items as determined by the Director.

26
27 (C) For an application that requires approval by a City board or commission or
28 council, the review period for an application shall be suspended, and the
29 application will not expire, during the period of time preceding final action
30 by the board or commission or council.

31
32 (D) The time period on an application related to and dependent on an application
33 described in Subsection (B) is also suspended during the period of time
34 described in Subsection (B).

35
36 (D) An applicant must file a subsequent update to an application that satisfies all
37 conditions of a board, commission, or council not later than 120 business
38 days after the date of approval by the board, commission, or council. An
39 application expires if the applicant does not comply with this deadline.

1 **PART 6.** Subsections (C), (D), and (E) of Section 25-4-56 (*Staff Review of Application*
2 *for Preliminary Plan Approval*) of the City Code are amended to read as follows:

3 (C) Initial staff review period for an application for preliminary plan approval is
4 established by the director by administrative rule [as follows:]

<u>[Size of preliminary plan:]</u>	<u>Staff review period:</u>
Less than 60 acres	21 days
60 acres to 250 acres	28 days
More than 250 acres	35 days]

11 (D) An applicant may file with the director an update to an application for
12 preliminary plan approval not later than one year [180 days] after the
13 application was filed, unless days have been added under Section 25-1-
14 88(B).

16 (E) The staff review period of an update to an application for preliminary plan
17 approval is established by the director by administrative rule [14 days].

18 **PART 7.** Subsections (B) through (F) of Section 25-4-82 (*Review of Application for Plat*
19 *Approval; Expiration*) of the City Code are amended to read as follows:

20 (B) After the application is filed, a [A] reviewing department or agency shall
21 prepare and deliver to the director a written report of comments and
22 recommendations regarding an application for plat approval not later than
23 the deadline established by the director by administrative rule [the 21st day
24 after the application is filed].

25 (C) After the application is filed, the [The] director shall determine whether an
26 application for plat approval complies with the criteria for approval and give
27 notice under Section 25-1-133(B) (*Notice of Applications and*
28 *Administrative Decisions*) of the determination not later than the deadline
29 established by the director by administrative rule [the 28th day after the
30 application is filed]. If the director recommends disapproval, the notice shall
31 state the reasons for the recommendation.

32 (D) An applicant may file with the director an update to an application for plat
33 approval not later than one year [the 180th day] after the application is filed,
34 unless days have been added under Section 25-1-88(B).

35 (E) After the update is filed, the [The] director shall determine whether an
36 update to an application for plat approval complies with the criteria for
37 approval and give notice under Section 25-1-133(B) (*Notice of Applications*
38 *and Administrative Decisions*) of the determination not later than the
39 deadline established by the director by administrative rule [the 14th day after

1 ~~the update is filed~~. If the director recommends disapproval, the notice shall
2 state the reasons for the recommendation.

- 3 (F) An application for plat approval expires one year [~~on the 180th day~~] after
4 filing if the director determines that the application does not comply with the
5 criteria for approval, unless the applicant has submitted a written request to
6 the director for review of the application by the Land Use Commission. If
7 the applicant requests review by the Land Use Commission, the Land Use
8 Commission shall determine whether the application complies with the
9 criteria for approval and approve or deny the application.

10 **PART 8.** Section 25-4-85 (*Recordation*) of the City Code is amended by adding new
11 Subsections (C) and (D) that read as follows:

- 12 (C) An applicant must provide all of the items and fees required to record the plat
13 with the County Clerk within 80 business days from the date of plat
14 approval.
- 15 (D) An application for plat approval expires on the 81st business day after such
16 approval unless Subsection (C) of this section is satisfied.

17 **PART 9.** Article 2, Division 3 of Chapter 25-4 (*Subdivision*) of the City Code is
18 amended by adding a new Section 25-4-87 to read as follows:

19 **§ 25-4-87 Expiration of Plat Vacation Applications.**

20 An application to vacate a plat expires after one year.

21 **PART 10.** Division 4, Article 2 of Chapter 25-4 (*Subdivision*) of the City Code is
22 amended by adding a new Section 25-4-100 that reads as follows:

23 **§ 25-4-100 Updates to Subdivision Construction Plan Application.**

24 An applicant may file an update to a subdivision construction plan application not
25 later than one year after the date the application is filed.

26 **PART 11.** Section 25-5-113 (*Updates*) of the City Code is amended to read as follows:

27 An applicant may file an update to a site plan not later than one year [~~the 180th day~~]
28 after the date the application is filed, unless days are added under Section 25-1-
29 88(B).

30 **PART 12.** Subsection (A) of Section 25-5-114 (*Time Periods for Determination; Notice*)
31 of the City Code is amended to read as follows:

- 32 (A) The director shall make a determination under Section 25-5-112 (*Director's*
33 *Approval*) and give written notification of the determination to each

1 interested party not later than the deadline established by the director by
2 administrative rule. [∴]

3 (1) [~~28th day after the date an application for a site plan is filed, except an~~
4 ~~application for a small project;~~]

5 (2) [~~9th day after the date an application for a small project is filed; or~~]

6 (3) [~~14th day after the date an update to an application is filed.~~]

7 **PART 13.** Section 25-5-148 (*Conditional Use Site Plan Update and Expiration*) of the
8 City Code is amended to read as follows:

9 (A) If the Land Use Commission, or the council on appeal, imposes a condition
10 of approval on a conditional use site plan, the applicant shall file with the
11 director an update that satisfies the condition not later than 20 business days
12 [~~the 60th day~~] after the site plan approval date. A site plan expires if the
13 applicant does not comply with the deadline.

14 (B) After receiving the update, the [~~The~~] director shall notify the applicant of
15 review comments to an updated conditional use site plan not later than the
16 deadline established by the director by administrative rule [~~the 14th working~~
17 ~~day after receiving the update~~].

18 [~~(C) The director shall determine whether to release an updated conditional use~~
19 ~~site plan and notify the applicant of the determination not later than the 21st~~
20 ~~day after receiving the update.~~]

21 [~~(D) If the director disapproves an updated conditional use site plan, the director~~
22 ~~shall notify the applicant of the disapproval by certified mail, return receipt~~
23 ~~requested. The notice must state the reasons why the updated site plan does~~
24 ~~not comply with the requirements of this title or a condition of approval.~~]

25 (C)[~~(E)~~] An applicant may file a subsequent update to a conditional use site plan
26 not later than 120 business days [~~the 180th day~~] after the date of site plan
27 approval.

28 (D)[~~(F)~~] If a conditional use site plan on file with the director 120 business days
29 [~~on the 180th day~~] after the date of approval does not comply with the
30 requirements of this title or a condition of approval, the site plan approval
31 expires.

32 (E)[~~(G)~~] The director shall deny a conditional use site plan that expires under this
33 section.

34 **PART 14.** Section 25-11-63 (*Review Periods*) of the City Code is amended to read as
35 follows:

1 (A) The building official shall approve or disapprove an application for the
2 following permits by the deadlines established by the director by
3 administrative rule [prescribed in this subsection].
4

Type of Permit	[Days after application filed]
(1) Commercial buildings, new construction	[21]
(2) Commercial buildings, remodeling and finishouts	[7]
(3) Residential, new construction	[7]
(4) Residential, remodeling of a complying structure	[2]
(5) Residential, remodeling of or additions to a noncomplying structure	[7]
(6) Sign, other than a nonconforming off-premise sign	[7]
(7) Replacement of nonconforming off-premise sign	[14]
(8) Repair of nonconforming off-premise sign	[7]
(9) Demolition	[3]
(10) Relocation	[3]

28 ~~[(B) The building official shall approve or disapprove an application for a lake
29 construction permit not later than the 7th day after the Parks and Recreation
30 Board approves the application.]~~

31 **PART 15.** Section 25-12-266 (*Time Limitation of Application*) of the City Code is
32 amended to read as follows:

33 An application for a permit for any proposed work expires ~~[shall be deemed to~~
34 ~~have been abandoned]~~ one year ~~[180 days]~~ after the date of filing, unless a permit
35 has been issued~~[-; except that the building official is authorized to grant one~~
36 ~~extension of time for an additional period not to exceed 180 days. The extension~~
37 ~~shall be requested in writing before the application expires and justifiable cause~~
38 ~~demonstrated].~~

39 **PART 16.** Section 30-1-118 (*Extension of Review Period*) of the City Code is amended
40 to read as follows:

1 **§ 30-1-118 – (RESERVED) [~~EXTENSION OF REVIEW PERIOD~~].**

2 ~~[(A) The single office may extend a review period one time. The applicant must agree~~
3 ~~to an extension period that exceeds the length of the original review period.~~

4 ~~(B) The single office shall give notice under Section 30-1-154(B) (Notice Of~~
5 ~~Applications And Administrative Decisions) of an extension of a review period.~~

6 ~~(C) If staff review is not finished at the expiration of an extended review period, the~~
7 ~~single office shall move an application to the next phase of process with the~~
8 ~~notation that staff review is not finished.]~~

9 **PART 17.** Subsection (A) of Section 30-1-119 (*Extension of Update Deadline*) of the
10 City Code is amended and a new Subsection (C) is added to that section to read as
11 follows:

12 (A) With the exception of an applicant submitting a site plan, subdivision
13 application, or a subdivision construction plan, an [An] applicant may
14 request that the single office extend a deadline for submitting an update to
15 an application by filing a written request and justification with the single
16 office before the expiration of the deadline.

17 (1) The single office must give notice under Section 30-1-154(B)
18 (Notice Of Applications And Administrative Decisions) of an
19 extension request under this subsection.

20 (2) The single office may grant an extension request under this
21 subsection if the single office determines that good cause exists for
22 the extension. An extension period may not exceed the length of the
23 original time period for submitting an update to the application.

24 (C) An applicant may not request an extension of a deadline for submitting an
25 update to a site plan, subdivision application, or subdivision construction
26 plan under Subsection (A) of this section.

27 **PART 18.** Section 30-2-40 (*Vacating Plat; Replatting Without Vacating Plat; Amending*
28 *Plat*) of the City Code is amended by adding a new Subsection (C) that reads as follows:

29 (C) An application to vacate a plat expires after one year.

30 **PART 19.** Subsections (C), (D), and (E) of Section 30-2-56 (*Staff Review of Application*
31 *for Preliminary Plan Approval*) of the City Code is amended to read as follows:

32 (C) Initial staff review period for an application for preliminary plan approval
33 is established by the director by administrative rule [28 days].

1 (D) An applicant may file with the single office an update to an application for
2 preliminary plan approval not later than one year [~~the 180th day~~] after the
3 application was filed.

4 (E) The staff review period of an update to an application for preliminary plan
5 approval is established by the director by administrative rule [~~14 days~~].

6 **PART 20.** Section 30-2-60 (*Denial of Preliminary Plan*) of the City Code is amended to
7 read as follows:

8 The single office shall deny an application for preliminary plan approval that does
9 not comply with the criteria for approval one year [~~on the 180th day~~] after the application
10 is filed, unless the applicant has submitted a written request to the single office for review
11 of the application by the land use commission and commissioners court. If the applicant
12 submits a request for review by the land use commission and commissioners court, the
13 single office shall schedule the application for consideration by the land use commission
14 and the commissioners court, and the land use commission and the commissioners court
15 shall each determine whether the preliminary plan satisfies the criteria for approval.

16 **PART 21.** Section 30-2-82 (*Review of Application for Plat Approval; Expiration*) of the
17 City Code is amended to read as follows:

18 (A) The single office shall promptly deliver a copy of an application for plat
19 approval to each reviewing department or agency.

20 (B) After the application is filed, a [A] reviewing department or agency shall
21 prepare and deliver to the single office a written report of comments and
22 recommendations regarding an application for plat approval not later than
23 the deadline established by the director by administrative rule [~~21st day~~
24 ~~after the application is filed~~].

25 (C) After the application is filed, the [~~The~~] single office shall determine
26 whether an application for plat approval complies with the criteria for
27 approval and give notice under Section 30-1-154(B) (Notice Of
28 Applications And Administrative Decisions) of the determination not later
29 than the deadline established by the director by administrative rule [~~28th~~
30 ~~day after the application is filed~~]. If the single office recommends
31 disapproval, the notice shall state the reasons for the recommendation.

32 (D) An applicant may file with the single office an update to an application for
33 plat approval not later than one year [~~the 180th day~~] after the application is
34 filed.

35 (E) After the update is filed, the [~~The~~] single office shall determine whether an
36 update to an application for plat approval complies with the criteria for

1 approval and give notice under Section 30-1-154(B) (Notice Of
2 Applications And Administrative Decisions) of the determination not later
3 than the deadline established by the director by administrative rule [the
4 14th day after the update is filed]. If the single office recommends
5 disapproval, the notice shall state the reasons for the recommendation.

6 (F) An application for plat approval expires one year [~~on the 180th day~~] after
7 filing if the single office determines that the application does not comply
8 with the criteria for approval, unless the applicant has submitted a written
9 request to the single office for review of the application by the land use
10 commission and the commissioners court. If the applicant requests review
11 by the land use commission and the commissioners court, the land use
12 commission and the commissioners court shall each determine whether the
13 application complies with the criteria for approval and approve or deny the
14 application.

15 **PART 22.** Parts 1 through 15 of this ordinance take effect on _____,
16 2016. Parts 16 through 21 of this ordinance take effect on the effective date of a Travis
17 County ordinance enacting similar provisions.

18
19 **PASSED AND APPROVED**

20
21 §
22 §
23 _____, 2016 § _____

24 Steve Adler
25 Mayor

26
27
28 **APPROVED:** _____
29 Anne L. Morgan
30 Interim City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk